

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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BILL DRAFT 2013-TQz-21 [v.5] (04/01)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/29/2014 12:16:50 PM

Short Title: Motor Vehicle Civil Penalty/District Court.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED  
AN ACT TO ALLOW JUDICIAL REVIEW OF CIVIL PENALTIES ON MOTOR  
VEHICLES IMPOSED BY THE DEPARTMENT OF PUBLIC SAFETY IN THE  
DISTRICT COURT OF THE COUNTY IN WHICH THE PENALTY WAS ASSESSED,  
AS RECOMMENDED BY THE AGRICULTURE AND FORESTRY AWARENESS  
STUDY COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-178.1 reads as rewritten:

**"§ 20-178.1. Payment and review of civil penalty imposed by Department of Public  
Safety.**

...  
(c) Judicial Review. – Except as provided in subsection (c1) of this section, any  
person who is dissatisfied with the decision of the Secretary and who has paid the penalty in  
full within 30 days of the notice of decision, as required by subsection (b) of this section, may,  
within 60 days of the decision, bring an action for refund of the penalty against the Department  
in the Superior Court of Wake County or in the superior court of the county in which the civil  
penalty was assessed. The court shall review the Secretary's decision and shall make findings of  
fact and conclusions of law. The hearing shall be conducted by the court without a jury. In  
reviewing the case, the court shall not give deference to the prior decision of the Secretary. A  
superior court may award attorneys' fees to a prevailing plaintiff only upon a showing of bad  
faith on the part of the Department, and any order for attorneys' fees must be supported by  
findings of fact and conclusions of law.

(c1) Judicial Review. – Any person operating a truck or other motor vehicle transporting  
supplies, material or equipment necessary to carry out a farming or forestry operation who is  
dissatisfied with the decision of the Secretary and who has paid the penalty in full within 30  
days of the notice of decision, as required by subsection (b) of this section, may, within 60 days  
of the decision, bring an action for refund of the penalty against the Department in the district  
court of the county in which the civil penalty was assessed. The court shall review the  
Secretary's decision and shall make findings of fact and conclusions of law. The hearing shall  
be conducted by the court without a jury. In reviewing the case, the court shall not give  
deference to the prior decision of the Secretary. A district court may award attorneys' fees to a  
prevailing plaintiff only upon a showing of bad faith on the part of the Department, and any  
order for attorneys' fees must be supported by findings of fact and conclusions of law.

..."



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1               **SECTION 2.** This act becomes effective October 1, 2014, and applies to penalties  
2 assessed on or after that date.